

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JOHN GLOVER, an individual,

Plaintiff,

v.

WASTE TREATMENT COMPLETION
COMPANY LLC, a Foreign Limited Liability
Company,

Defendant.

CASE NO. 4:21-cv-05065

COMPLAINT

JURY DEMAND

I. PARTIES, JURISDICTION AND VENUE

1.1 Plaintiff, John Glover, is an individual currently residing in Benton County, Washington and a former employee of the Defendant.

1.2 Defendant Waste Treatment Completion Company LLC (“WTCC”) is a Delaware corporation operating in Benton County, Washington.

1.3 This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332 as the claim involves diversity of citizenship and an amount in controversy in excess of seventy-five thousand dollars (\$75,000).

1 1.4 This Court has ancillary jurisdiction over the state law claims pursuant to 28 U.S.C.
2 §1367(a).

3 1.5 Venue lies within the Eastern District of Washington under 28 U.S.C. §1391(b) as
4 all parties reside within the State of Washington and this judicial district, and the events underlying
5 this complaint occurred within the State of Washington and this judicial district.
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7 **II. FACTUAL ALLEGATIONS**

8 2.1 John Glover is a resident of Benton County. He was employed by WTCC
9 beginning on October 13, 2014.
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11 2.2 Mr. Glover was an exemplary employee with no disciplinary history.

12 2.3 In 2020, Mr. Glover's wife was diagnosed with Stage IV pancreatic cancer, an
13 extremely deadly and serious condition. As a result, Mr. Glover had to expend his entire 12 weeks
14 of paid leave that he had accumulated to care for her.

15 2.4 After he used up his accumulated paid leave, Mr. Glover applied for federal Family
16 and Medical Leave Act ("FMLA") leave that he was granted on June 29, 2020.
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18 2.5 Mr. Glover also suffered from his own health issues, specifically chronic pain in
19 his shoulder and back and nerve damage in his arm. He scheduled a surgery to address these issues
20 for July 14, 2020 which had to be rescheduled to August 7, 2020 so he could continue caring for
21 his wife during her cancer treatment.

22 2.6 Mr. Glover applied for and received Washington State Paid Family and Medical
23 Leave Act ("PFMLA") leave from the Washington State Employment Security Department
24 ("ESD").
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1 2.7 On August 13, 2020, ESD approved Mr. Glover's PFMLA leave for the period
2 from August 7, 2020 through December 7, 2020.

3 2.8 As of September 21, 2020, Mr. Glover's physician initially thought he would be
4 able to return to work at WTCC by December 7, 2020.

5 2.9 On November 6, 2020, upon a later assessment by the doctor, Mr. Glover's
6 recovery from surgery was taking longer than had been anticipated and the doctor felt it would not
7 be safe for Mr. Glover to return to work until approximately January 7, 2021, one month later.

8 2.10 Mr. Glover notified WTCC of this additional time required by his doctor for his
9 recovery.
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11 2.11 On November 19, 2020, WTCC summarily terminated Mr. Glover's employment
12 without engaging in any reasonable accommodation analysis or further dialogue with Mr. Glover
13 or his physician.
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15 2.12 On December 3, 2020, Mr. Glover's physician extended his need for leave to
16 February 7, 2021 and Mr. Glover was released to full duty as of February 7, 2021.

17 2.13 Despite the fact that there were available positions for Mr. Glover to perform on
18 February 7, 2021, WTCC did not return Mr. Glover to employment.

19 2.14 As a result of WTCC's termination of Mr. Glover's employment, Mr. Glover has
20 suffered economic and general damages in an amount to be proven at trial.
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III. FIRST CAUSE OF ACTION
Disability Discrimination
Washington Law Against Discrimination
RCW 49.60.180

3.1 Plaintiff realleges paragraphs 1.1 through 2.14 as though fully set forth herein.

3.2 Defendant's termination of Plaintiff's employment and/or failure to reinstate Plaintiff to employment constitutes a violation of the Washington Law Against Discrimination, RCW 49.60.180 ("WLAD"), because Defendant has terminated Mr. Glover due to his disability.

3.3 Defendant's actions and/or omissions constitute a violation of the WLAD because Mr. Glover is a qualified individual with a disability who could perform the essential functions of the job with a reasonable accommodation; namely, additional leave of reasonably certain duration that would not cause an undue hardship to Defendant.

3.4 As a result of Defendant's violations, Plaintiff has been damaged in an amount to be proven at trial.

IV. SECOND CAUSE OF ACTION
Failure to Provide Medical Leave,
Discrimination and Interference
Paid Family Medical Leave Act
RCW 50A.35.010 and RCW 50A.40.010

4.1 Plaintiff realleges paragraphs 1.1 through 3.4 as though fully set forth herein.

4.2 Defendant's termination of Plaintiff's employment and/or failure to reinstate Plaintiff to employment constitutes a violation of RCW 50A.35.010 and/or RCW 50A.40.010.

4.3 As a result of Defendant's violations, Plaintiff has been damaged in an amount to be proven at trial.

4.4 Defendant's violations of the law were willful within the meaning of RCW 50A.40.030(4).

V. THIRD CAUSE OF ACTION
Retaliation
Washington Law Against Discrimination
RCW 49.60.210

5.1 Plaintiff realleges paragraphs 1.1 through 4.4 as though fully set forth herein.

5.2 Defendant's actions and/or omissions constitute a violation of the WLAD, RCW 49.60.210, insofar as Defendant terminated and/or failure to reinstate Plaintiff because he engaged in protected activity.

5.3 As a result of Defendant's violations, Plaintiff has been damaged in an amount to be proven at trial.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury of all issues.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter an order granting the following relief:

1. An order finding that Defendant discriminated and/or retaliated against Plaintiff because of his disability in violation of RCW 49.60.180;

2. An order finding that Defendant failed to reasonably accommodate Plaintiff's disability in violation of RCW 49.60.180;

3. An order finding that Defendant violated or failed to comply with the requirements of the Washington Paid Family and Medical Leave Act, RCW 50A.40.010;

1 4. An order granting Plaintiff full back pay and benefits and other actual monetary
2 losses in an amount to be proven at trial as a result of the discriminatory and/or retaliatory actions
3 and/or omissions;

4 5. An order granting Plaintiff front pay and benefits designed to adequately
5 compensate Plaintiff for loss of future wages and other economic losses in an amount to be proven
6 at trial;

7 6. An order granting Plaintiff an award of damages for all other forms of economic
8 losses and non-economic losses, including without limitation specific damages and general
9 damages for mental anguish, emotional distress, and pain and suffering in an amount to be proven
10 at trial;

11 7. An order granting Plaintiff his attorney's fees pursuant RCW 49.60.030(2), RCW
12 50A.40.040(3), along with costs incurred in prosecuting this action in an amount to be proven at
13 trial;

14 8. Liquidated damages pursuant to RCW 50A.40.030(4);

15 9. Pre-judgment and post-judgment interest under the above referenced statutes
16 including without limitation RCW 50A.40.030(3)(b);

17 10. Such other and further relief as the Court deems just and equitable.
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1 RESPECTFULLY SUBMITTED this 19th day of April, 2021.

2 /s/ Zachariah Nathan William Thal
3 Zachariah Nathan William Thal, WSBA 55462
4 Spencer Nathan Thal, WSBA 20074
5 Vanguard Law, PLLC
6 P.O. Box 939
7 Poulsbo, WA 98370
8 Telephone: (206) 818-2499
9 Facsimile: (360) 626-1919
10 zach@vanguardlawfirm.com
11 spencer@vanguardlawfirm.com
12

13 *Attorneys for Plaintiff*
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